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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,021	12/15/1999	RALF UWE KRAUKLIS	5181-53800	7049

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B NOEL KIVLIN  
CONLEY ROSE & TAYTON  
P O BOX 398  
AUSTIN, TX 78767

EXAMINER
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LUU, SY D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/464,021

Applicant(s)

KRAUKLIS, RALF UWE

Examiner

Sy D Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/3/04.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 13-17 is/are allowed.
- 6) ☒ Claim(s) 7, 18 is/are rejected.
- 7) ☒ Claim(s) 8-12 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/28/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to the Response to Final Office file 12/3/04.
2. Claims 1-19 are pending in this application. Claims 1, 7, 13 and 18 are independent claims. This action is made Final.

### ***Response to Arguments***

3. In view of Applicants' arguments regarding the rejection under 35 USC § 112, the Examiner agrees with Applicants regarding the meaning of the term "instantiate", in the context of the specification, to imply "executable". Accordingly, the claims have been re-interpreted in light of the specification.
4. While claims 1-6, 8-17 and 19 are found to be distinguishable over the applied art, claims 7 and 18 are still read on by the applied prior art. It is noted that in claims 7 and 18, contrary to Applicants' allegation that the list container object being "executable" or "instantiating" renderer objects, the claims only recite that the list container object specifying corresponding data object for each renderer object. Clearly, an object A that specifies the relationship of two other objects B and C merely means that a description of the relationship of B/C is being provided by A. There is no requirement for the object A to be "executable" or "instantiating" in this instance. Therefore, claims 7 and 18 are deemed to be still read on by the applied prior art.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 7 and 18 are rejected under 35 U.S.C. 102(A) as being anticipated by Pogue (PalmPilot: The Ultimate Guide, hereinafter “PalmPilot”).

As per claim 7, Pogue teaches a method for managing and displaying a scalable list of items for display in a display device of a small footprint device, the method comprising:

a client program comprised in a memory of the small footprint device (fig. 1.2; page 4) including a CPU and memory (*inherent to the device in order for the device to work as expected*) instantiating a list container object and adding list item data objects thereto,

the list container object specifying a corresponding list item data object for each of a plurality of list item renderer objects, and

in response to said list container object specifying a corresponding list item data object for each list item renderer object, each list item renderer object displaying the list item data object in the display device of the small footprint device (page 7, *figure on the right side; drop down list showing container objects such as “Main” which specifies list renderer objects such as “Address” and “Calc” having list item data objects associated therewith, wherein an associated list item data object such as that being depicted on the right side figure in page 5 when its associated renderer object is executed/run*).

Claim 18 is similar in scope to claim 7, and is therefore rejected under similar rationale.

*Allowable Subject Matter*

7. Claims 1-6 and 13-17 are allowed.
8. Claims 8-12 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance.

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements: the list container object being executable to specify a corresponding list item data object for each of a plurality of list item renderer objects as recited or similarly recited in claims 1 and 13; the list container object instantiating the plurality of list item renderer objects as recited or similarly recited in claims 8 and 19; and the specific combination of steps as recited in claims 11-12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Inquires*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Sy Luu', with a long, sweeping horizontal stroke extending to the right.

**SY D. LUU**  
**PRIMARY EXAMINER**